

EXHIBIT 64
FILED UNDER SEAL

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
) Case No.
vs.) 3:17-cv-00939-WHA
)
UBER TECHNOLOGIES, INC.,)
OTTOMOTTO LLC; OTTO TRUCKING)
LLC,)
)
Defendants.)
_____)

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VIDEOTAPED DEPOSITION OF GAETAN PENNECOT
San Francisco, California
Thursday, April 20, 2017
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2599854

Pages 1 - 95

Page 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX		
WITNESS		
GAETAN PENNECOT		EXAMINATION
Volume I		
	BY MR. JAFFE	7
EXHIBITS		
NUMBER	DESCRIPTION	PAGE
Exhibit 100	Photocopy of photograph, Bates UBER00011668	31
Exhibit 101	Photocopy of photograph, Bates UBER00011654	33
Exhibit 102	E-mail to Anthony Levandowski from Gaetan Pennecot, dated 2-24-17, with attachments, Bates UBER00011465 - 1472	42
Exhibit 103	E-mail string, top e-mail to Anthony Levandowski from Gaetan Pennecot, dated 6-24-15, Bates UBER00011588 - 1592	72

1 A Yes, I was. 09:23:31

2 Q But you didn't have an understanding of

3 why they thought it was better; is that right?

4 A I would say I didn't have a clear

5 understanding. 09:23:46

6 Q What was your understanding?

7 A It was [REDACTED].

8 Q Talking about GBR 3 transmit boards again,

9 the -- [REDACTED]

10 [REDACTED], right? 09:24:03

11 A So that I don't completely remember.

12 Q For the diodes that are placed on the

13 transmit board, they would [REDACTED]

14 correct?

15 A This is correct. 09:24:26

16 Q [REDACTED], correct?

17 A This is correct.

18 Q And it was intentionally designed for a

19 [REDACTED], right?

20 A So there was not much importance to that 09:24:38

21 [REDACTED]. So it was -- [REDACTED] was easy to

22 type.

23 Q I see. So they were intentionally

24 designed to [REDACTED] was just what

25 you picked? 09:24:56

1 A I don't remember exactly, but I would say 09:36:04
2 after April 25th.

3 Q What other jobs did you apply to between
4 when you left Waymo and joined Otto?

5 A I didn't apply to any company. 09:36:28

6 Q And what position did you apply for at
7 Otto?

8 A I think it was mechanical engineer.

9 Q Who recruited you to join Otto?

10 A Anthony did. 09:36:45

11 Q And how did that come about?

12 A So when Anthony left Google, I lost
13 contact with him. I knew where he lived, so one day
14 I drove to his place.

15 Q Unannounced? 09:37:25

16 A Unannounced.

17 Q What happened then?

18 A I met outside in the street a co-worker
19 from 510 Systems.

20 Q Who was that? 09:37:39

21 A Oleg. Oleg. I don't remember his last
22 name.

23 Q Then what happened?

24 A Then I asked to get in touch with Anthony,
25 and Anthony was not in the house. 09:38:06

Page 28

1 on the bottom? 09:42:26

2 A No.

3 Q What number is it?

4 A 668.

5 MR. KIM: At this point, I'll designate 09:42:34

6 the entire transcript attorneys' eyes only, Waymo --

7 I'm sorry -- Uber attorneys' eyes only under the

8 protective order.

9 MR. JAFFE: I'm just going to hand you the

10 whole stack. I'm having trouble finding the right 09:42:53

11 one out of that. That's just for you, for time

12 purposes.

13 Q I've handed you what I've marked as

14 Exhibit 100.

15 Do you recognize what's shown in that 09:43:04

16 picture?

17 A I do.

18 Q What is it?

19 A This looks like Spider parts.

20 Q Now, on the right-hand side of the picture 09:43:20

21 you're looking at, are those -- is that the housing

22 design for Spider?

23 A It looks like it.

24 Q Okay. And the housing that was designed

25 for Spider that we're looking at in Exhibit 100, it 09:43:41

Page 32

1 was configured to rotate around 360 degrees, right? 09:43:44

2 A This is correct.

3 MR. JAFFE: Okay. Now, let me find a

4 different picture for you.

5 This will be Exhibit 101. 09:44:18

6 (Exhibit 101 was marked for identification

7 and is attached hereto.)

8 BY MR. JAFFE:

9 Q Do you recognize what I've placed in front

10 of you as Exhibit 101? 09:44:21

11 A I do.

12 Q What is it?

13 A This is an optical cavity.

14 Q For Spider?

15 A This is correct. 09:44:33

16 Q You designed the optical cavity for

17 Spider, right?

18 A This is correct.

19 Q So the optical cavity, it was -- the way

20 that it worked in Spider is, it would be mounted on 09:44:47

21 the housing that we looked at in Exhibit 100, right?

22 A I didn't work on that part.

23 Q You don't know whether the optical cavity

24 was designed to be mounted on the housing?

25 A It was, like, probably, yeah. 09:45:03

Page 33

1 So do you know what housing is? 09:46:51

2 MR. KIM: Objection. Vague.

3 THE WITNESS: I guess a housing could mean

4 many things.

5 BY MR. JAFFE: 09:46:59

6 Q Do you know what a housing is in the

7 context of LiDAR?

8 MR. KIM: Objection. Vague.

9 THE WITNESS: This is not a term I used.

10 BY MR. JAFFE: 09:47:06

11 Q It's not a term you've ever used?

12 A No.

13 Q Let's talk about the optical cavity. It

14 included -- in Spider, it included a lens, right?

15 A This is correct. 09:47:21

16 Q And the Spider design included transmit

17 and receive, right?

18 A This is correct.

19 Q So there were -- for each optical cavity,

20 there were eight lasers, right? 09:47:34

21 A This is correct.

22 Q And then there would be eight

23 corresponding receptors for each optical cavity,

24 right?

25 A This is correct. 09:47:42

Page 36

1 Q And so the way that it worked in the 09:47:43
2 Spider optical cavity that you designed that we're
3 looking at here in Exhibit 101 is, the eight lasers
4 would emit and go through a hole in a mirror to the
5 main lens that we're looking at in Exhibit 101, 09:47:57
6 right?

7 A This is correct.

8 Q They would go and hit some target and
9 bounce back and go through the same lens, right?

10 A This is correct. 09:48:07

11 Q And then they would bounce off of a mirror
12 to the individual photodetectors, right?

13 A This is correct.

14 Q And so the transmit and receive paths
15 would overlap in the optical cavity that we're 09:48:18
16 looking at in Exhibit 101, right?

17 MR. KIM: Objection. Vague.

18 THE WITNESS: For any given channels, they
19 never overlap.

20 BY MR. JAFFE: 09:48:34

21 Q I see.

22 But for the lasers as a whole, they would
23 overlap, right?

24 MR. KIM: Objection. Vague.

25 THE WITNESS: Let me think about this one. 09:48:47

Page 37

1 It's pretty hard to see the geometry in my head. So 09:48:49
2 I guess it could overlap.
3 BY MR. JAFFE:
4 Q To state it another way, the area where
5 the transmit path goes through and the area where 09:49:08
6 the receive path goes through, it's the same shared
7 space in the optical cavity, right?
8 A This is correct.
9 Q Okay. The Spider design in the specific
10 optical cavity that we're looking at in Exhibit 101, 09:49:26
11 that is was a single-lens design, right?
12 MR. KIM: Objection. Vague.
13 THE WITNESS: So there were two lens
14 elements.
15 BY MR. JAFFE: 09:49:44
16 Q What do you mean by that?
17 A If you open this cavity, you would have
18 two elements: One front element, and a second
19 element 50 millimeters behind.
20 Q What did the second lens element do? 09:50:02
21 A To get better focusing or beam quality,
22 you need more optical surfaces. And the more
23 optical surfaces you get, the better focus you can
24 get.
25 Q I see. 09:50:27

Page 38

1 THE WITNESS: Yes. 10:13:53

2 BY MR. JAFFE:

3 Q Why?

4 A Because I thought he was going to work on

5 trucks. 10:14:17

6 Q Is that what he told you when you were

7 talking about joining the company?

8 A We were, and we are still, working on

9 trucks.

10 MR. JAFFE: Let's mark as Exhibit 102 a 10:14:40

11 document Bates-labeled UBER11465.

12 (Exhibit 102 was marked for identification

13 and is attached hereto.)

14 BY MR. JAFFE:

15 Q Mr. Pennecot, this is an e-mail that you 10:15:01

16 sent to Mr. Levandowski in February 2017, correct?

17 A This is correct. Let me -- this is

18 correct.

19 Q And the subject line is "Here are a few

20 screenshot of Fuji zemax files." 10:15:39

21 Do you see that?

22 A I see it.

23 Q Fuji, that refers to one of Uber's LiDAR

24 projects, right?

25 A This is correct. 10:15:48

1 Q And so you were sending Mr. Levandowski 10:15:49
2 some screenshots of the Fuji design, right?

3 A This is correct.

4 Q So -- and just going by the names of the
5 attachment, [REDACTED] [REDACTED]

6 [REDACTED]; is that right?

7 A Yes.

8 Q [REDACTED]
9 [REDACTED]

10 Do you see that? 10:16:16

11 A This is correct.

12 Q [REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

10:16:58

1 Q [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
4 Q And just so the record is clear, you're
5 looking at the page ending in 11468? I think it's a 10:17:18
6 little covered over, but it's the one prior to
7 11469, so I'm pretty comfortable saying that.
8 A 1468. This is correct.
9 Q Going back to the first page, you also
10 sent Mr. Levandowski the layout for the receive side 10:17:45
11 in Fuji; is that right?
12 A So Fuji receive layout.png. Fuji receive
13 layout.png. Fuji receive -- this is it. Yes. This
14 is correct.
15 Q Okay. [REDACTED] [REDACTED]
[REDACTED]
17 A That would be -- this is correct.
18 Q [REDACTED]
[REDACTED], right?
20 A Yes, this is correct. 10:18:33
21 Q Why did you send these things to
22 Mr. Levandowski?
23 A Because he asked me to.
24 Q Why did he ask you to?
25 MR. KIM: Objection. Calls for 10:18:42

Page 44

1 speculation. 10:18:43

2 THE WITNESS: I don't know.

3 BY MR. JAFFE:

4 Q He just walked up to you and said, "Can

5 you send me these very specific things?" 10:18:52

6 A I guess he called me.

7 Q And what did he say?

8 A What did he say? He asked me to send him,

9 like, some Fuji Zemax files, like, describing my

10 job, what I was doing. 10:19:14

11 Q And did you have any understanding of why

12 he was asking you to send him this material?

13 A No.

14 Q Did you ask?

15 A I don't remember. 10:19:33

16 Q Did you get any further information

17 afterwards on why he asked you to send this material

18 about Fuji?

19 A No, I didn't.

20 Q Why -- do you have any understanding of 10:19:46

21 why Mr. Levandowski would ask you to send these

22 detailed -- this detailed information about the Fuji

23 project to him?

24 MR. KIM: Objection. Calls for

25 speculation, asked and answered. 10:19:55

1 Q Okay. So you can't tell me anything about 10:42:44
2 what your colleagues told you to calm you down about
3 these shocking allegations?

4 A I don't remember, like, the -- yeah. No,
5 I don't remember. 10:43:00

6 Q Did you ever ask Anthony?

7 A I did.

8 Q What did he say?

9 A So he told me that there was -- so I
10 remember him saying there's nothing at -- wait. How 10:43:12
11 did he -- like, how did he phrase that?

12 I asked him, like, "Did you" -- yeah,
13 like, "Did you take documents?"

14 And the answer was, "There are, like, no
15 documents at Uber." 10:43:39

16 So, like, he didn't really answer the
17 question.

18 Q So he didn't deny that he took the
19 documents, right?

20 A He didn't deny it. 10:43:45

21 Q What did you do after he didn't answer the
22 question?

23 A I told him that he better explain to
24 everybody what happened.

25 Q When was this conversation? 10:43:59

Page 65

1 THE WITNESS: I don't know. 10:50:57

2 BY MR. JAFFE:

3 Q You don't know whether what he did is

4 unethical?

5 A I don't know. I don't know whether he did 10:51:02

6 or didn't.

7 Q Have you seen any evidence of Google's

8 proprietary information being used at Uber?

9 A Not at all.

10 Q What was Mr. Levandowski's role in the 10:51:26

11 Spider design? Referring to Anthony Levandowski.

12 A He made some sketches at the -- like, he

13 basically brought me on the project.

14 Q When you said, "He made some sketches,"

15 what are you talking about? 10:51:45

16 A So he came to my desk and made some

17 sketches.

18 Q Of what?

19 A Possible optics or beam steering or

20 things. He was brainstorming at my desk. 10:51:56

21 Q And did the sketches that he designed, is

22 that the basis for the optical cavity that we marked

23 as the picture, as Exhibit, I think, 101?

24 A I designed around these sketches, yes.

25 Q So he gave you the initial design, and you 10:52:13

Page 71

1 designed around what he provided you, and you 10:52:15
2 resulted in Exhibit 101?
3 MR. KIM: Objection. Vague.
4 THE WITNESS: I used it as a first spec,
5 you know. Like, you need to start somewhere. 10:52:26
6 MR. JAFFE: Why don't we take a quick
7 break.
8 THE VIDEO OPERATOR: The time is
9 10:52 a.m. We're off the record.
10 (Recess, 10:52 a.m. - 11:09 a.m.) 10:52:44
11 THE VIDEO OPERATOR: The time is 11:09
12 a.m. We are back on the record.
13 MR. JAFFE: I'm going to mark as
14 Exhibit 103 a document Bates-labeled UBER11588.
15 (Exhibit 103 was marked for identification 11:09:51
16 and is attached hereto.)
17 BY MR. JAFFE:
18 Q Mr. Pennecot, this is an e-mail that you
19 wrote, right? Exhibit 103?
20 A Yes, this is correct. 11:10:49
21 Q You said you guess this is correct?
22 A No, this is correct. This is correct.
23 This is this page.
24 Q And going back to the first page, the
25 subject line is [REDACTED] 11:11:01